

UNITED STATES DISTRICT COURT
 for the
 Southern District of Texas

United States Courts
 Southern District of Texas
 FILED

April 7, 2025

United States of America)
 v.)
)
 Angel ARTURO-Hernandez, USC, YOB: 2004)
 Ashile Yaleczi ALEJANDRO, USC, YOB: 2003)
)
)

Nathan Ochsner, Clerk of Court

Case No. 7:25-mj-702

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 04/06/2025 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 USC 545	Willfully and knowingly with intent to defraud the US, smuggle and
18 USC 2	clandestinely introduce into the US merchandise which should have
	been reported, a spider monkey.

This criminal complaint is based on these facts:

See Attachment A

Continued on the attached sheet.

Approved by AUSA Swartz

/s/ Christina Bergeron

Complainant's signature

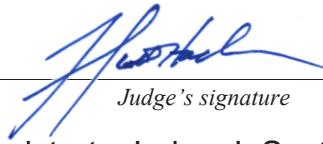
Christina Bergeron, HSI Special Agent

Printed name and title

Sworn to telephonically and signed electronically
 per Fed.R.Cr.4.1

Date: April 7, 2025 at 5:24 p.m.

City and state: McAllen, Texas


J. Scott Hacker
 Judge's signature

U.S. Magistrate Judge J. Scott Hacker

Printed name and title

ATTACHMENT A

I, Christina Bergeron, am a Special Agent (SA) of the United States Homeland Security Investigations (HSI) and have knowledge of the following facts. The facts related in this attachment do not reflect the totality of information known to me or other agents/officers, merely the amount needed to establish probable cause. I do not rely upon facts not set forth herein in reaching my conclusion that a complaint should be issued, nor do I request that this Court rely upon any facts not set forth herein in reviewing this attachment in support of the complaint.

The purpose of this affidavit is in support of a complaint to arrest Angel ARTURO-Hernandez (hereafter ARTURO), a U.S. Citizen, and Ashile Yoleczi ALEJANDRO (hereafter ALEJANDRO), for willfully and knowingly and with intent to defraud the United States, smuggling and clandestinely introducing into the United States "merchandise" which should have been reported and declared, that is, a spider monkey in violation of 18 U.S.C. 545 and 2.

The Code of Federal Regulations prohibit the importation of live nonhuman primates unless the importer is registered with HHS/CDC as an importer of nonhuman primates. 42 C.F.R. 71.53(d). It is a felony offense to "import, export, transport, sell, receive, acquire, or purchase any [wildlife] taken, possessed, or sold in violation of any [regulation] of the United States[.]" 18 U.S.C. 3372(a)(1).

The Endangered Species Act (ESA) is found at Title 16, United States Code, Sections 1531-1544. The ESA prohibits the importation, exportation, or taking of fish, wildlife, and plants that are listed as threatened or endangered species; provides for adding species to and removing species from the list of threatened and endangered species; and for preparing and implementing plans for their recovery. Spider monkeys are listed as endangered species. See also, 50 C.F.R. 23.89, 23.13, and Appendix I (listing spider monkeys as endangered species and prohibiting their importation).

On April 6, 2025, Homeland Security Investigations (HSI) McAllen, Texas was notified by U.S. Customs and Border Protection (CBP) that ARTURO and ALEJANDRO attempted to enter into the U.S. at the Anzalduas Port of Entry, Mission, Texas, while concealing a spider monkey within the vehicle ARTURO was driving.

Upon entry, neither ARTURO nor ALEJANDRO declared that they were transporting a spider monkey in the vehicle, and which was concealed from view in a zippered pink-colored bag. Customs and Border Protection (CBP) directed the ARTURO and ALEJANDRO, in the vehicle driven by ARTURO, to secondary for inspection. Upon inspection of the vehicle, agents discovered the Mexican spider monkey concealed in the pink bag.

Neither ARTURO nor ALEJANDRO possess a Convention on International Trade in Endangered Species Act permit to import spider monkeys from U.S. Fish and Wildlife Service.

After being informed of his Miranda rights, ARTURO agreed to speak to investigators. ARTURO informed investigators he and ALEJANDRO planned to deliver the spider monkey to an unidentified individual and location in the U.S. ARTURO stated he observed the spider monkey while in Mexico prior to departing to the U.S. ARTURO admitted that he knew it was unlawful to import the spider monkey into the U.S. without a declaration or a permit.

After being informed of her Miranda rights, ALEJANDRO agreed to speak to investigators. ALEJANDRO informed investigators she and ARTURO planned to deliver the spider monkey to an unidentified individual and location. ALEJANDRO stated she observed the spider monkey while in Mexico prior to departing to the U.S. ALEJANDRO admitted that she knew it was unlawful to import the spider monkey into the U.S. without a declaration or a permit.